

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTSMICHAEL KEVIN DUPONT, *
PETITIONERv.
DAVID NO'AN,
Respondent

* No. 04-

FILED
IN CLERK'S OFFICE
2004 JUN 17 P 12:12 PM -R2
U.S. DISTRICT COURT
DISTRICT OF MASS.

04-11431-GAO

PETITIONER'S MOTION FOR ASSIGNMENT
OF COUNSEL TO EXPEDITE BAIL RELEASE
AND FOR NECESSARY EVIDENTIARY HEARING

Now comes the Fully exhausted PETITIONER, And To expedite A RETRIEVE V
HALEY, 2004 CIV. Lexis 3235 (5/3/04) BAIL
RELEASE HEARING, AND conduct the
NECESSARY EVIDENTIARY HEARING, IN THIS
Eighteen Ground CASE, moves Hon. Judge
REGINALD C. LINDSAY TO ASSIGN C.J.A.
COUNSEL TO REPRESENT PETITIONER PURSUANT
TO HABEAS RULE 8(c) AND 18 U.S.C.
§§ 3006A(d)(c), 3006A(d)(2)(3) WITHOUT
LIMITATION FOR COUNSEL BILLING IN THIS COMPLEX CASES

-1 of 2 - (See other side →)

1/ PETITIONER DRAFTED TWO Fully exhausted OTHER HABEAS
PETITIONS IN A ROW FOR WHICH Judge PATTI SARIS
Assigned counsel DiTOKO V GUARINO, 03-12462-PBS
(DE#18 3/25/04 Collings, NJ), AND Judge GENTRE ALSO
Assigned counsel, GARREY V HALL, 03-10562-NG (DE#16
(Bowler, NJ 7/18/03) SO THIS COURT CAN TAKE PETITIONER'S WORK,

Because an evidentiary hearing is necessary, PHOENIX V MATES 212 F3d 189 (5th Cir. 1999); WILLIAMS V TAYLOR 529 US 420, 437 (2000); HABES V COYLE 171 F3d 408, 422-429 (6th Cir. 1999) Rule 8(c) counsel must be assigned. LIEBLICH, FEDERAL HABES CORPUS PRACTICE AND PROCEDURE § 12.3 (4th Edition 2001) and Judge Lylesay would be reversed if he denied counsel, ALFORD V UNITED STATES, 709 F3d 418, 423 (5th Cir. 1983); UNITED STATES V JASIEL, 166 F3d 212, 213 n.3 (3rd Cir. 1999); RONEY V UNITED STATES, 205 F3d 1061, 1062-1063 (8th Cir. 2000); SWAZO V WARDEN 23 F3d 332, 333-334 (10th Cir. 1994).

This case involves denial of counsel without a waiver of counsel combined with a state prison strip-cell coerced guilty plea contract negotiated by and breached by Judge Zobel, with imposition of aggravated punishment on an element petitioner was not indicted for and had no notice of. The IOWA V TOVAA 124 S. Ct. 1379 (2004) voluntary 12/13/99 plea transcript and certiorari petitions are attached to verify entitlement to immediate release requested, June 18, 2004.

Respectfully requested,
Mike J. Walsh

2002 Michael Kevin Daniel Rose